

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CIVIL AVIATION ADMINISTRATION OF CHINA

AND

THE NATIONAL CIVIL AVIATION AGENCY OF BRAZIL

FOR

PROMOTION OF CIVIL AVIATION SAFETY

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“Civil Aviation Administration of China” (CAAC), legally assigned as the Civil Aviation Authority in the People’s Republic of China and “National Civil Aviation Agency” (ANAC), legally assigned as the Civil Aviation Authority in the Federative Republic of Brazil, referred in this document, for convenience, as Authorities:

- considering the Convention on International Civil Aviation, as signed at Chicago on 7 December 1944, which has been signed by the People’s Republic of China and the Federative Republic of Brazil;
- desiring to promote aviation safety and environmental quality;
- noting common concerns for the safe operation of civil aircraft;
- recognizing the emerging trend towards multinational design, production, and interchange of civil aeronautical products;
- desiring to enhance cooperation and increase efficiency in matters relating to civil aviation safety on the basis of equality, reciprocity and mutual benefit as described hereafter and within the limitations of the applicable legislation and the budget of each Authority;
- considering the possible reduction of the economic burden imposed on the aviation industry by redundant technical inspections, evaluations and testing; and
- recognizing the mutual benefit of procedures for the reciprocal acceptance of airworthiness approvals, environmental testing or approvals, flight simulators monitoring and approvals, aircraft maintenance facilities approvals, maintenance personnel approvals and airmen approvals;

have reached the following understanding:

ARTICLE I

For the purpose of this Memorandum, the Authorities have agreed:

1. to facilitate acceptance by each Authority of the other Authority’s airworthiness approvals and environmental testing and approval of civil aeronautical products for which the Exporting Authority is the Primary Authority of the organization responsible for the type design;
2. to provide for cooperation and assistance on continuing airworthiness of in-service civil aeronautical products;
3. to provide for cooperation, assistance and exchange of information and data regarding aeronautical technical subjects of common interest and establishment of channels for the exchange of information as appropriate;

4. to provide for familiarization of each other's organizational structures, statutes, regulations, methods and procedures;
5. to provide for exchange of visits between civil aviation specialists and delegations, and participation in civil aviation seminars as well as in the civil aviation work of the other Authority;
6. to provide for special arrangements for training and other technical civil aviation assistance; and
7. to provide for other forms of civil aviation safety cooperation when mutually agreed.

ARTICLE II

The following definitions for terms are used in this Memorandum:

1. *Airmen* means pilots, flight engineers, flight radio operators, flight navigators and flight attendants.
2. *Airworthiness Approval* means granting an airworthiness certificate, approval or acceptance, as appropriate, based on a finding that the design or change to a design of a civil aeronautical product meets standards agreed between the Authorities or that a civil aeronautical product conforms to a design that has been found to meet those standards, and is in a condition for safe operation.
3. *Airworthiness Criteria* means all the criteria governing the design, performance, materials, workmanship, manufacture or modification of civil aeronautical products, as prescribed by the Importing Authority, to enable it to find that the design, manufacture and condition of these civil aeronautical products comply with the laws, regulations, standards, and requirements of the Importing Authority concerning airworthiness. This includes airworthiness requirements, their interpretations and means of compliance.
4. *Civil Aeronautical Product* means any civil aircraft, aircraft engine or propeller; subassembly, appliance, material, part or component to be installed thereon, new or used.
5. *Design-Related Operational Requirements* means the operational or environmental requirements affecting either the design features of the civil aeronautical product or data on the design relating to the operation of this product that make it eligible for a particular kind of operation in the People's Republic of China or in the Federative Republic of Brazil.
6. *Environmental Approval* means a finding that a civil aeronautical product complies with standards applied by each Authority concerning aircraft noise and/or aircraft engine emissions.

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7. *Environmental Criteria* means the criteria governing the design, performance, materials, workmanship, manufacture or modification of civil aeronautical products, as prescribed by the Importing Authority to enable it to find that these civil aeronautical products comply with its laws, regulations, standards and requirements concerning aircraft noise and aircraft engine emissions abatement. This includes environmental requirements, their interpretations and means of compliance.
8. *Environmental testing* means a process by which a civil aeronautical product is evaluated for compliance with the standards applied by each Authority concerning aircraft noise and/or aircraft engine emissions, using procedures agreed between the Authorities.
9. *Exporting Authority* means the ANAC, in the case of a civil aeronautical product exported from the Federative Republic of Brazil to the People's Republic of China; and means the CAAC, in the case of a civil aeronautical product exported from the People's Republic of China to the Federative Republic of Brazil.
10. *Flight simulators qualification evaluations* means the process by which a flight simulator is assessed by comparison to the aircraft it simulates, in accordance with standards agreed between the Authorities, or the finding that it complies with those standards.
11. *Importing Authority* means the CAAC, in the case of a civil aeronautical product exported from the Federative Republic of Brazil to the People's Republic of China; and means the ANAC, in the case of a civil aeronautical product exported from the People's Republic of China to the Federative Republic of Brazil.
12. *Production Approval* means an authorization, approval, or certificate issued, when applicable, by the authority, in accordance with laws, regulations, standards, and requirements, that allow a manufacturer, in a specific place, to produce a civil aeronautical product in conformity with authority approved design and an authority approved quality or inspection system.
13. *Production Extension Approval* means an inclusion by the authority, in accordance with laws, regulations, standards and requirements, of a facility in a Production Approval that allows a manufacturer to produce a civil aeronautical product in accordance with authority approved design and an authority approved quality or inspection system in a different place that is indicated in the Production Approval.
14. *Type Design* means the description of all characteristics of a civil aeronautical product, including its design, manufacture, limitations and continuing airworthiness instructions, which determine its airworthiness and environmental protection characteristics.

ARTICLE III

When both Authorities agree to find it necessary, they shall work cooperatively to develop an understanding of each other's systems, including standards, rules, practices and procedures, in the following areas, but not restricted to:

1. airworthiness approvals of civil aeronautical products;
2. environmental approvals and environmental testing;
3. maintenance facilities, alteration or modification facilities approval;
4. maintenance personnel and airmen approval; and
5. qualification evaluation of flight simulators.

ARTICLE IV

The specific terms and conditions for such cooperative program will be established through Implementation Procedures between the Authorities that will include, "inter alia", as appropriate, the nature and scope of the program, and the individual and joint responsibilities, along with their particular liabilities. Implementation Procedures will take the title according the scope of them, like Implementation Procedure of Airworthiness – IPA, Implementation Procedure of Maintenance – IPM, etc.

ARTICLE V

Government budget shall not be considered to cover any approval activities agreed upon this Memorandum for both Authorities. Any expense is supposed to be supported by the applicant.

ARTICLE VI

Neither Authority shall release information marked classified as proprietary data by the providing Authority to third parties without consent of the other Authority.

ARTICLE VII

In the case of conflicting interpretations of the airworthiness or environmental criteria or design-related operational requirements prescribed by the Importing Authority, pertaining to certifications, approvals or acceptances under this Memorandum, and after having exhaustively discussed all technical subjects, the interpretation of the Importing Authority shall prevail.

ARTICLE VIII

Correspondence and documentation will be prepared and submitted in the English language unless otherwise specified by the Authorities by mutual agreement.

ARTICLE IX

This Memorandum of Understanding shall be implemented in accordance with procedures and conditions agreed by the Authorities and set out by their respective Branches in Implementation Procedures. The procedures and conditions shall be within the basis and scope of the Memorandum.

When the Authorities agree that the standards, rules, practices, procedures, and systems of both Authorities in one of the technical specialties listed in Article III of this document permit acceptance of findings of compliance made by one Authority for the other Authority to the agreed-upon standards, the Authorities shall execute written Implementation Procedures describing the methods by which such reciprocal acceptance shall be made with respect to that technical specialty.

Each Authority shall designate the appropriate Branches as its executive agent(s) to implement this Memorandum.

ARTICLE X

This Memorandum of Understanding may be amended by the written agreement of the Authorities.

ARTICLE XI

This Memorandum of Understanding, or any amendment to its text, shall go into effect upon the date of signature by both Authorities and shall remain in force until revised by mutual agreement of the two Authorities or terminated by one of the Authorities.

Such termination shall be effected by 60 days written notification to the other Authority. Such termination will also act to terminate all existing Implementation Procedures executed in accordance with this Memorandum of Understanding.

However, each Authority shall continue to perform the obligations stated in the Section 4.2 of the Annex 8 of the Convention on International Civil Aviation, as signed by the People's Republic of China and the Federative Republic of Brazil concerning continuing airworthiness, for as long as any civil aeronautical product imported from the Exporting Authority's country is operated in the Importing Authority's country.

IN WITNESS WHEREOF the undersigned, being the national Civil Aviation Authorities of China and Brazil, duly authorized to that effect, have signed the present Memorandum, done in duplicate in English, Chinese and Portuguese, which integrally replace the Memorandum of Understanding on Airworthiness signed at 8 March 2001 and the Memorandum of Understanding for the Technical Cooperation in the Field of Civil Aviation Safety signed at 19 November 2001. In case of divergence of interpretation, the English version shall prevail.

FOR CIVIL AVIATION
ADMINISTRATION OF CHINA

Original Signed by



Mr. Li Jian
Vice Minister

Date of signature: February 15, 2011.

FOR AGÊNCIA NACIONAL DE
AVIAÇÃO CIVIL - BRAZIL

Original Signed by



Solange Paiva Vieira
Director-President

Date of signature: February 15, 2011.

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